

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GMAC BANK,

Plaintiff,

V.

HOME MORTGAGE, INC., LAWRENCE

LUCKETT and JOHN DOES 1-10, inclusive,

Defendants.

08 CV 1792

Judge Grady

Magistrate Judge Cox

**PLAINTIFF GMAC BANK'S ANSWER TO
DEFENDANT HOME MORTGAGE, INC.'S COUNTERCLAIM**

Plaintiff GMAC Bank (“GMAC”) by and through its attorneys, for its answer pursuant to Federal Rule of Civil Procedure 12(a), states as follows:

1. On information and belief, Plaintiff has seized and recovered assets of HMI and/or Lockett, including, without limitation, funds in bank accounts. Further, GMAC, on information and belief, has sold various loans and therefore recovered funds that were advanced against HMI's line of credit. In the event of any liability against HMI, HMI is entitled to a set-off and credit against any judgment entered against HMI in this action in the amount of any amounts recovered, collected, seized or otherwise obtained by GMAC.

ANSWER:

The allegations of Paragraph 1 of Defendant's Counterclaim state legal conclusions to which no Answer is required. Further, because this Paragraph depends upon the occurrence of a legal contingency, specifically, "in the event of any liability against HMI," an Answer is unnecessary. To the extent that this Paragraph states factual allegations to which an Answer is required, GMAC denies these factual allegations.

DATED: JUNE 23, 2008

Respectfully Submitted,

GMAC Bank

/s/ Timothy McCaffrey

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CERTIFICATE OF SERVICE

Scott C. Walton, an attorney, certifies that he caused a copy of the foregoing document to be served by facsimile and regular mail, this 23rd day of June, to:

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/s/ Scott C. Walton